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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,051	12/05/2003	Ulf Sawert	DP-310540	9276
7590 12/17/2004 DELPHI TECHNOLOGIES, INC. P.O. Box 5052 Mail Code: 480-410-202 Troy, MI 48007-5052			EXAMINER GIMIE, MAHMOUD	
			ART UNIT 3747	PAPER NUMBER

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,051

Applicant(s)

SAWERT ET AL. 

Examiner

Mahmoud Gimie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 8-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,7,9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 99/61777 published on December 2, 1999.

WO 99/61777 discloses a fuel pump module assembly (100) for a fuel tank (14) in a vehicle comprising: a reservoir (150) adapted to be disposed in the fuel tank; a fuel pump (110) disposed in said reservoir to pump fuel from the fuel tank to an engine of the vehicle; a fuel filter (130) disposed in said reservoir and having a first outlet (132) fluidly connected to the engine (20) and inlet (figure 1) fluidly connected to said fuel pump and a second outlet (figures 1-3); and a regulating valve (170) assembly disposed in said reservoir (150) fluidly connected said second outlet (see figures 1-3) to control fuel supply pressure to the engine.

With regard to claim 2, a fuel pump module assembly as set forth in claim 1 including a cover (142) adapted to close an opening in the fuel tank (14).

With regard to claim 7, a fuel pump module assembly as set forth in claim 1 wherein said regulating valve (170) assembly includes a jet pump (160) disposed in said reservoir and fluidly connected to said second outlet to fill said reservoir with fuel.

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With regard to claim 9, a fuel pump module assembly as set forth in claim 1 wherein said regulating valve assembly (170) comprises a valve housing having a passageway with a valve seat, movable regulating valve disposed in said passageway, and spring disposed in said passageway urge said regulating valve toward said valve seat.

With regard to claim 10, a fuel pump module assembly as set forth in claim 1 including a pump retainer disposed in a chamber of said reservoir (150) to support said fuel pump therein. It is noted that a pump retainer is inherently and necessarily is present in the mount the pump in the reservoir.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-6, 11-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/61777 in view of Oi et al (5, 613, 476).

WO 99/61777 discloses all the limitations as applied to claims 1,2,7,9 and 10 above except for a check and relief valve assembly disposed above the reservoir and operatively connected to the cover.

Oi et al discloses a check and relief valve assembly (33,43) disposed above the reservoir and operatively connected to the cover, see figure 1.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of WO 99/61777 by adding a check and relief valve

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assembly as disclosed by Oi et al. The motivation to do so would have been to maintain a constant pressure to the engine.

Allowable Subject Matter

5. Claims 8 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show fuel pump modules.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahmoud Gimie whose telephone number is 571-272-4841. The examiner can normally be reached on Tuesday-Friday between 7 a.m. -3:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on 571-272-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MG


MAHMOUD GIMIE
PRIMARY PATENT EXAMINER
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